

# Grant Assurance #22

Resource: *Airport Sponsor Assurances* (3/2011)

[[http://www.faa.gov/airports/aip/grant\\_assurances/media/airport\\_sponsor\\_assurances.pdf](http://www.faa.gov/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf)]

## 22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
  - b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
    - (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
    - (2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
  - c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
  - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
  - e. Each air carrier using such airport (whether as a tenant, non tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non tenants and signatory carriers and non signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided
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- a. [The Sponsor] will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to **all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport**
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- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary **for the safe and efficient operation of the airport**
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an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

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**Aeronautical Activities** – as defined by FAA (see FAA Order 5190.6B, Airport Compliance Handbook, [http://www.faa.gov/documentLibrary/media/Order/5190\\_6b.pdf](http://www.faa.gov/documentLibrary/media/Order/5190_6b.pdf)):

“...all activities that involve or are directly related to the operation of aircraft, including activities that make the operation of aircraft possible and safe. Services located on the airport that are directly and substantially related to the movement of passengers, baggage, mail, and cargo are considered aeronautical uses. It includes, but is not limited to:

- Air taxi and charter operations
- Scheduled or nonscheduled air carrier services
- Pilot training
- Aircraft rental and sightseeing
- Aerial photography
- Crop dusting
- Aerial advertising and surveying
- Aircraft sales and service
- Aircraft storage
- Sale of aviation petroleum products
- Repair and maintenance of aircraft
- Sale of aircraft parts
- Parachute activities
- Ultralight activities
- Sport pilot activities
- Military flight operations”

**Non-Aeronautical Activities** – as defined by FAA (see FAA Order 5190.6B):

“All other uses of the airport are considered non-aeronautical. Aviation-related uses that do not need to be located on an airport, such as flight kitchens and airline reservation centers, are considered non-aeronautical uses. Non-aeronautical uses include public parking, rental cars, ground transportation, as well as terminal concessions such as food and beverage and news and gift shops.” *Note: This also includes remote control aircraft.*